

COUNCIL AGENDA: 09-07-04
ITEM: 3.2

RULES/AGENCY RULES COMMITTEE (Partial)

Meeting Report
September 1, 2004

PRESENT: Chair Dando; Members Chavez, Cortese and Williams
Councilmember Nora Campos attended as the alternate member.

ABSENT: Member Yeager (excused)

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, Assistant City Manager Mark Linder, Assistant to the City Manager Deanna Santana, Council Agenda Manager for the Mayor's Office Jennifer Carlino, and Redevelopment Agency Liaison Gary Miskimon

Chair Dando called the meeting to order at 2:04 p.m.

C. Legislative Update

1. State

- a. Request to support AB 1878 (Chan) Relating to Motor Scooters, Operation and Noise; SB 1695, SB 1696, SB 1697 (Torlakson) Relating to Driving Under the Influence.**

Documents Filed: Memorandum from Betsy Shotwell, Director of Intergovernmental Relations, dated August 26, 2004, recommending support of AB 1878 (Chan) Relating to Motor Scooters, Operation and Noise; SB 1695, SB 1696, SB 1697 (Torlakson) Relating to Driving Under the Influence.

Discussion/Action: The Committee recommended support.

Pat Dando, Chair
Rules/Agency Rules Committee

Memorandum

TO: RULES COMMITTEE

FROM: Betsy Shotwell

SUBJECT: SEE BELOW

DATE: August 26, 2004

Approved

Deanna J. Hama

Date

8-27-04

SUBJECT: AB 1878 (CHAN) RELATING TO MOTOR SCOOTERS, OPERATION AND NOISE; SB 1694, SB 1695, SB 1696, SB 1697 (TORLAKSON) RELATING TO DRIVING UNDER THE INFLUENCE

RECOMMENDATION

That the Rules Committee recommend to the Council support for:

AB 1878 (Chan) which would require operators of motor scooters to be licensed or permitted with a valid class C driver's license or instruction permit and places restrictions on the alteration or modification of a motor scooters exhaust system to amplify or create excessive noise.

SB 1694 (Torlakson) relating to increased sanctions on persons who have previously been convicted of driving under the influence (DUI) offenses within 7 years of the commission of the current offense.

SB 1695 (Torlakson), which would impose the required court order for a person to participate in an alcohol and drug problem assessment program.

SB 1696 (Torlakson) which would prohibit the reinstatement of DUI's driving privilege until the proof of successful completion of the driving under the influence program.

SB 1697 (Torlakson) which would consolidate the driver's license suspension, restriction, and revocation functions for DUI arrests and convictions under the Department of Motor Vehicles

BACKGROUND AND ANALYSIS:

AB 1878 (Chan) relating to motor scooters: operation and noise. Existing law requires a manufacturer of motorized scooters, as defined, to provide each buyer of those scooters with a specified disclosure regarding insurance policies and related coverage. AB 1878 would revise the definition of motorized scooters, and additionally require manufacturers of motorized

RULES COMMITTEE

8-23-04

Subject: AB 1878 (Chan) relating to motor scooters, operation and noise, and SB 1694, SB 1695, SB 1696, SB 1697 (Torlakson) relating to driving under the influence.

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scooters to provide a disclosure to those buyers that they may not modify or alter the exhaust system to cause it to be amplified or create an excessive noise in violation of noise restrictions and muffler requirements imposed by the bill, or to fail to meet applicable emission requirements.

AB 1878 is intended to more clearly specify that motorized scooters are not to be operated by children and to establish manufacturing and operating restrictions to control the noise emanating from these vehicles. This measure is supported by numerous law enforcement agencies, the League of California Cities and the California State Automobile Association.

STATUS: Passed the Assembly and Senate. To Enrollment. **RECOMMENDATION:** Support.

SB 1694, SB 1695, SB 1696, SB 1697 (Torlakson):

Felony drunk driving arrests have increased for several years, after a decade of decline due to increased education, treatment and enforcement. According to the DUI bill's author, Senator Torlakson, repeat offenders who have not responded to existing sanctions and treatment continue to threaten California drivers. The following bills would help reduce DUI rates by expanding sanctions, treatment and improving accountability for DUI violators:

SB 1694 (Torlakson) relating to influence: sanctions: This measure relates to increased sanctions on persons who have previously been convicted of DUI offenses within 7 years of the commission of the current offense. Substitutes a 10-year condition for the 7-year condition as a condition to imposing the increased sanctions on repeat offenders. Requires a court to order a person previously convicted of either a DUI occurring over 10 years ago or disorderly conduct while under the influence to complete an assessment program and rely on certain information. **STATUS:** Senate unfinished business. **RECOMMENDATION:** Support

SB 1695 (Torlakson) relating to problem assessment program: This bill imposes the required court order for a person to participate in an alcohol and drug problem assessment program based solely on the person being convicted of a violation of driving under the influence offense that occurred within 7 years of a separate violation of a driving under the influence offense that resulted in a conviction. Removes the requirement that the person had previously been court ordered to attend a licensed program. **STATUS:** Assembly Third Reading file. **RECOMMENDATION:** Support.

SB 1696 (Torlakson) relating to influence: license restriction: This measure prohibits the reinstatement of DUI's driving privilege until the proof of successful completion of the driving under the influence program has been received in the Department of Motor Vehicle's headquarters. **STATUS:** Passed the Assembly and Senate. To Enrollment. **RECOMMENDATION:** Support

RULES COMMITTEE

8-23-04

Subject: AB 1878 (Chan) relating to motor scooters, operation and noise, and SB 1694, SB 1695, SB 1696, SB 1697 (Torlakson) relating to driving under the influence.

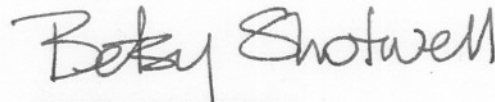
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SB 1697 (Torlakson) relating to under the influence: sanctions: This bill consolidates the driver's license suspension, restriction, and revocation functions for DUI arrests and convictions under the Department of Motor Vehicles. Provides restoration may not be authorized until proof of completion of a driving-under-the influence program. Authorizes the court to disallow the issuance of a restricted license if the court determines that a person would present a traffic safety or public safety risk if allowed to operate a motor vehicle during a suspension period. **STATUS:** Passed the Senate and Assembly. To Enrollment.

RECOMMENDATION: Support.

COORDINATION

This memorandum was coordinated with the Police Department and the City Attorney's Office.

A handwritten signature in black ink that reads "Betsy Shotwell". The signature is written in a cursive, flowing style.

BETSY SHOTWELL

Director, Intergovernmental Relations